

TWENTY-NINTH DAY
(Monday, March 16, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Green, Harris, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Glasgow, Henderson, Sarpalius.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Heavenly Father, in these days of busy and crowded calendars our prayer this morning is for these whose work is for others.

May each one be temperate and forthright in speech. May each one be faithful and diligent in their work. May each one be honorable and generous in dealing with others. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 12, 1987, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Henderson was granted leave of absence for today on account of important business on motion of Senator Montford.

Senator Sarpalius was granted leave of absence for today on account of illness on motion of Senator Sims.

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 496
C.S.S.B. 32

Senator Harris submitted the following report for the Committee on Economic Development:

C.S.S.B. 551
S.B. 651 (Amended)
S.B. 817
S.B. 816
S.B. 864
S.B. 917
S.B. 916 (Amended)
C.S.S.B. 824
S.B. 876

REFERRAL OF BILLS

The President announced that the first reading and referral of bills would be done at the conclusion of today's session.

CO-AUTHOR OF SENATE RESOLUTION 169

On motion of Senator Brooks and by unanimous consent, Senator Krier will be shown as Co-author of S.R. 169.

CO-AUTHOR OF SENATE BILL 43

On motion of Senator Farabee and by unanimous consent, Senator Brown will be shown as Co-author of S.B. 43.

CO-AUTHOR OF SENATE BILL 214

On motion of Senator Edwards and by unanimous consent, Senator Parker will be shown as Co-author of S.B. 214.

CO-AUTHORS OF SENATE BILL 607

On motion of Senator Parker and by unanimous consent, Senators Barrientos, Caperton and Uribe will be shown as Co-authors of S.B. 607.

CO-AUTHOR OF SENATE BILL 856

On motion of Senator Truan and by unanimous consent, Senator Tejeda will be shown as Co-author of S.B. 856.

CO-AUTHOR OF SENATE BILL 857

On motion of Senator Truan and by unanimous consent, Senator Tejeda will be shown as Co-author of S.B. 857.

CO-AUTHOR OF SENATE BILL 943

On motion of Senator Truan and by unanimous consent, Senator Tejeda will be shown as Co-author of S.B. 943.

SENATE RESOLUTION 169

Senator Brooks offered the following resolution:

WHEREAS, Voluntarism, the fundamental fiber that has made America the most giving nation in the world, is becoming even more vital and is being strongly encouraged and endorsed by the 70th Texas Legislature; and

WHEREAS, The United Way, our country's premier organized voluntarism entity, is celebrating the end of its first century of service to America and is embarking on its second century; and

WHEREAS, There are 183 United Way organizations in Texas, included among the more than 2,200 United Way organizations across America, helping communities meet critical health and human care needs through an ingenious system of local charitable groups; and

WHEREAS, Collectively these United Way organizations involve tens of thousands of caring and concerned volunteers from all walks of life in a catalytic process of solving community problems; and

WHEREAS, These organizations are responsible for garnering voluntary contributions to support nearly 2,100 Texas charities and more than 37,000 charities throughout America to provide services and programs to aid millions of people throughout our country; and

WHEREAS, To help meet the urgent health and human care needs of our state and nation, United Way will launch a Second Century Initiative in honor of its

100th anniversary with the goal of doubling its volunteers and financial resources by the year 1991; and

WHEREAS, We wish to announce publicly our enthusiastic support for this initiative and to strongly encourage public-private partnership and community problem-solving initiatives that will accompany this most worthwhile effort; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 70th Texas Legislature, That we do hereby express our gratitude, and that of the citizens of the great State of Texas, for the outstanding contribution made by the United Way over the century; congratulate United Way on the event of its 100th anniversary; and applaud and encourage United Way to continue its fine work and to achieve its goal of doubling its effective resources by the year 1991.

BROOKS
KRIER

The resolution was read.

On motion of Senator Krier and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brooks the resolution was adopted viva voce vote.

GUESTS PRESENTED

Senator Brooks recognized the presence of a large delegation of United Way volunteers seated in the gallery.

Mrs. Helen Farabee and Senator Brooks escorted Mr. James D. Robinson III, Chairman and Chief Executive Officer of the American Express Company and Chairman of the Board of Directors of the United Way, to the President's Rostrum.

Upon invitation of the President, Mr. Robinson addressed the Senate.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.C.R. 10
S.C.R. 25
S.C.R. 35
S.B. 172
S.B. 189
S.B. 259
S.B. 297
S.B. 318

COMMITTEE SUBSTITUTE SENATE BILL 10 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 10, Relating to the subdivision and use of mineral-bearing land.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 10
ON THIRD READING**

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 10 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Henderson, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Glasgow, Henderson, Sarpalius.

GUESTS PRESENTED

Senator Krier was recognized and introduced the Capitol Physician for the Day, Dr. Leonard G. Paul of San Antonio.

Dr. Paul, accompanied by Dr. Charles Sawyer, was welcomed by the Senate and the doctors received an expression of appreciation for their service.

GUEST PRESENTED

Senator Truan was recognized and introduced Honorary Messenger Teri Tate.

The Senate welcomed Teri as a guest for the day.

**COMMITTEE SUBSTITUTE SENATE BILL 43
ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 43. Relating to the effect of reversal when a court of appeals or the Court of Criminal Appeals awards a new trial based on errors at a certain stage or certain stages of a trial; amending Article 44.29, Code of Criminal Procedure, 1965, as amended.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 43
ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 43 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Henderson, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Glasgow, Henderson, Sarpalius.

GUESTS PRESENTED

Upon recognition, Senator Brooks introduced Mr. W. Garland Button and his wife, Margaret.

Mr. and Mrs. Button, residents of Senator Leedom's district, were welcomed by the Senate.

SENATE BILL 93 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 93, Relating to the regulation of off-duty work performed by reserve law enforcement officers and to the employment of a reserve law enforcement officer as a patrolman, guard, or watchman.

The bill was read second time.

Senator Green offered the following committee amendment to the bill:

Amend SECTION 2 of **S.B. 93** by adding the following as subsection (a), and relettering all subsequent subsections appropriately:

SECTION 2. OFF-DUTY EMPLOYMENT. (a) This section applies only to counties in this state having a population of 750,000 or more, according to the last completed Federal census.

The amendment was read.

On motion of Senator Green and by unanimous consent, the committee amendment was tabled.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 93** by striking all below the enacting clause and substituting the following:

SECTION 1. DEFINITIONS. In this Act:

(1) "Officer" means a reserve law enforcement officer.

(2) "Off-duty employment" means employment as a patrolman, guard, or watchman during an officer's off-duty hours that is in addition to the officer's employment as a reserve law enforcement officer.

(3) "Reserve law enforcement officer" means a person so designated by Chapter 829, Acts of the 62nd Legislature, Regular Session, 1971 (Article 998a, Vernon's Texas Civil Statutes), or by Chapter 506, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6869.1, Vernon's Texas Civil Statutes).

SECTION 2. APPLICATION OF ACT. This Act applies to a county with a population of 750,000 or more, according to the most recent federal census, and to a municipality that is wholly or partly located in a county to which the Act applies.

SECTION 3. OFF-DUTY EMPLOYMENT. (a) Subject to the limitations imposed by this Act, an officer may accept off-duty employment.

(b) While serving as an officer, a person may not work more than 30 hours per week in off-duty employment or more hours in off-duty employment in a calendar week than the officer worked in the actual discharge of his duties as a reserve law enforcement officer in an average calendar week, as determined by the preceding quarter of the fiscal year.

(c) Except as provided by Subsection (d) of this section, an officer may accept and perform off-duty employment only in the county in which the individual is

employed as an officer. Unless the nature of the off-duty employment requires the individual to leave the county, an officer must perform all off-duty employment services in the county in which the individual is employed as an officer.

(d) An officer employed by a municipality may not perform off-duty employment outside the corporate limits of that municipality.

(e) Before an officer may accept off-duty employment, the officer must require the prospective employer to accept, in writing, all liability for injuries or damage resulting from or occurring during the officer's period of private employment. The officer must also require the prospective employer to provide workers' compensation coverage for injuries or damages resulting from or occurring during the officer's period of private employment. The county or municipality employing the officer shall require the officer to submit a written report at the end of each month which report shall be retained by the county or municipality for at least five years and which report shall include:

(1) the name of each off-duty employer;

(2) a copy of each employer's written acceptance of all liability and a policy binder or other evidence of the employer's workers' compensation coverage as required by this subsection;

(3) the type of off-duty service the officer performed during the previous month; and

(4) the number of off-duty hours the officer worked during the previous month.

(f) An officer whose off-duty employment includes regulating traffic flow on a public street must make every effort to ensure the regular flow of that traffic by causing as little interference in the traffic flow as possible and by giving first priority to that traffic. In addition, the officer may not issue any traffic citations during the off-duty private employment.

SECTION 4. LIMITATION BY EMPLOYER. Notwithstanding Section 3 of this Act, the county or municipality employing the officer may by rule prohibit or further restrict an officer's off-duty employment.

SECTION 5. DISCIPLINARY ACTION. If an officer works more hours in off-duty employment than permitted by this Act or by the county or municipality employing the officer, the county or municipality shall suspend the officer for a minimum of 30 days and take other appropriate disciplinary action.

SECTION 6. LIMITATION OF LIABILITY. (a) A county or municipality is not liable for damages resulting from any act or omission committed by an officer while not performing his official duties as a reserve law enforcement officer.

(b) This section does not waive, repeal, modify, or otherwise affect any other defense, immunity, or jurisdictional bar available to the county or municipality employing an officer.

SECTION 7. BOND AND INSURANCE. (a) Each officer shall execute a bond as prescribed by Subsection (b) of this section and obtain insurance as prescribed by Subsection (c) or (d) of this section. The purpose of the bond and insurance policy required under this section is to indemnify the county or municipality that employs the officer against any damages up to the amount of the bond and policy that may arise from any act or omission of the officer while performing official duties or, if the officer has accepted off-duty employment, while performing the off-duty service.

(b) The officer must execute the bond with a solvent surety company authorized to execute bonds of that type in this state in the amount of \$50,000. The officer shall pay the premium for the bond. The bond must be payable to the county or municipality that employs the officer. The bond required under this subsection is in addition to any other bond required to be posted by a reserve law enforcement officer under other law.

(c) An officer shall file or have on file with the county or municipality a certificate of insurance evidencing that the officer has an effective policy of insurance issued by an insurance company authorized to do business in this state. The insurance policy must contain minimum limits of \$100,000 per occurrence for bodily injury and property damage, and \$50,000 per occurrence for personal injury, with a minimum total aggregate amount of \$200,000 for all occurrences. If an applicant is unable to purchase liability insurance coverage from an insurer authorized to do business in this state, the applicant, with the approval of the State Board of Insurance, may purchase coverage from a surplus lines insurer that meets the requirements of Article 1.14-2 of the Insurance Code and rules adopted by the State Board of Insurance. The coverage must meet the minimum limits prescribed in this subsection.

(d) The officer shall pay the premium on an insurance policy purchased under Subsection (c) of this section, and both the officer and the county or municipality shall be insured parties under the policy.

SECTION 8. AMENDMENT. Subsection (h), Section 6, Chapter 546, Acts of the 59th Legislature, Regular Session, 1965 (Article 4413(29aa), Vernon's Texas Civil Statutes), is amended to read as follows:

(h) "Peace officer," for the purposes of this Act, means any person employed or appointed and compensated as a peace officer under law, including but not limited to a person so designated by Article 2.12, Code of Criminal Procedure, ~~[1965;]~~ or by Section 51.212 or 51.214, Education Code, or a person employed and compensated as an armed security officer by the state or a political subdivision of the state.

SECTION 9. AMENDMENT. Subsection (a), Section 6A, Chapter 546, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 4413(29aa), Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a licensee for a violation of:

- (1) this Act; ~~[or]~~
- (2) a rule of the Commission; ~~or~~
- (3) a law or rule governing a licensee's off-duty employment.

SECTION 10. AMENDMENT. Subsection (a), Section 3, Private Investigators and Private Security Agencies Act, as amended (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

(a) This Act does not apply to:

(1) a person employed exclusively and regularly by one employer in connection with the affairs of an employer only and where there exists an employer-employee relationship; provided, however, any person who shall carry a firearm in the course of his employment shall be required to obtain a private security officer commission under the provisions of this Act;

(2) except as provided by Subsection (e) of this Section, an officer or employee of the United States of America, or of this State or a political subdivision of either, while the employee or officer is engaged in the performance of official duties;

(3) a person who is:

~~(A)(i) [has full-time employment as]~~ a peace officer as defined by Article 2.12, Code of Criminal Procedure; ~~or~~

~~(ii) a reserve law enforcement officer as designated by Chapter 829, Acts of the 62nd Legislature, Regular Session, 1971 (Article 998a, Vernon's Texas Civil Statutes), or by Chapter 506, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6869.1, Vernon's Texas Civil Statutes), and who is employed by a county with a population of 750,000 or more according to the most recent federal census or a municipality located wholly or partly in such a county; and [1965;]~~

(B) who receives compensation for private employment on an individual or an independent contractor basis as a patrolman, guard, or watchman if such person is not employed by another peace officer and is:

(i) ~~[(A)]~~ employed in an employee-employer relationship[;] or

~~[(B)]~~ employed on an individual contractual basis;

~~[(C)]~~ not in the employ of another peace officer[;] and

(ii) ~~[(D)]~~ not a reserve peace officer of any political entity other than a county with a population of 750,000 or more according to the most recent federal census or a municipality wholly or partly located in such a county;

(4) a person engaged exclusively in the business of obtaining and furnishing information for purposes of credit worthiness or collecting debts or ascertaining the financial responsibility of applicants for property insurance and for indemnity or surety bonds, with respect to persons, firms, and corporations;

(5) an attorney-at-law in performing his duties;

(6) admitted insurers, insurance adjusters, agents, and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them;

(7) a person who engages exclusively in the business of repossessing property that is secured by a mortgage or other security interest;

(8) a locksmith who does not install or service detection devices, does not conduct investigations, and is not a security service contractor;

(9) a person who owns and installs burglar detection or alarm devices on his own property or, if he does not charge for the device or its installation, installs it for the protection of his personal property located on another's property, and does not install the devices as a normal business practice on the property of another;

(10) an employee of a cattle association who is engaged in inspection of brands of livestock under the authority granted to that cattle association by the Packers and Stockyards Division of the United States Department of Agriculture;

(11) the provisions of this Act shall not apply to common carriers by rail engaged in interstate commerce and regulated by state and federal authorities and transporting commodities essential to the national defense and to the general welfare and safety of the community;

(12) registered professional engineers practicing in accordance with the provisions of the Texas Engineering Practice Act;

(13) a person whose sale of burglar alarm signal devices, burglary alarms, television cameras, still cameras, or other electrical, mechanical, or electronic devices used for preventing or detecting burglary, theft, shoplifting, pilferage, or other losses is exclusively over-the-counter or by mail order;

(14) a person who holds a license or other form of permission issued by an incorporated city or town to practice as an electrician and who installs fire or smoke detectors in no building other than a single family or multifamily residence;

(15) a person or organization in the business of building construction that installs electrical wiring and devices that may include in part the installation of a burglar alarm or detection device if:

(A) the person or organization is a party to a contract that provides that the installation will be performed under the direct supervision of and inspected and certified by a person or organization licensed to install and certify such an alarm or detection device and that the licensee assumes full responsibility for the installation of the alarm or detection device; and

(B) the person or organization does not service or maintain burglar alarms or detection devices;

(16) ~~[a reserve peace officer while the reserve officer is performing guard, patrolman, or watchman duties for a county and is being compensated solely by that county;~~

[(17)] response to a burglar alarm or detection device by a law enforcement agency or by a law enforcement officer acting in an official capacity; or

(17) [(18)] a person who, by education, experience, or background has specialized expertise or knowledge such as that which would qualify or tend to qualify such person as an expert witness, authorized to render opinions in proceedings conducted in a court, administrative agency, or governing body of this state or of the United States, in accordance with applicable rules and regulations and who does not perform any other service for which a license is required by provisions of this Act.

SECTION 11. EFFECTIVE DATE. (a) This Act takes effect September 1, 1987.

(b) A person employed as an officer on the effective date of this Act by a county or municipality to which this Act applies is not required to have the bond or insurance policy otherwise required by this Act before January 1, 1988.

SECTION 12. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Parker offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to S.B. 93 on page 1 by striking line 13 and substituting the following:

(Article 6869.1, Vernon's Texas Civil Statutes), or a person who serves not less than 140 days every two years as a member of the legislature.

The amendment was read.

On motion of Senator Parker and by unanimous consent, the amendment was withdrawn.

Question recurring on the adoption of Floor Amendment No. 1, the amendment was adopted viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 93 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 93 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Henderson, Sarpalius.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 437
ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 437, Relating to the authority of the Texas Housing Agency to issue bonds in book-entry form; to issue bonds payable in any currency or medium of exchange; to enter into interest rate and currency swap and similar agreements; amending Chapter 823, Acts of the 66th Legislature, 1st Called Session, 1979, as amended (article 12691-6, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 437
ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 437** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Henderson, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Glasgow, Henderson, Sarpalius.

SENATE BILL 438 ON SECOND READING

Senator Parker moved to suspend the regular order of business to take up for consideration at this time:

S.B. 438, Relating to the authority of the Texas Housing Agency to issue bonds secured by the reserve fund; prescribing procedures for restoration of depletions of the reserve fund by legislative appropriation; providing that the authority to issue bonds secured by the reserve fund be contingent upon an amendment to the Texas Constitution; amending Chapter 823, Acts of the 66th Legislature, 1st Called Session, 1979, as amended (article 12691-6, Vernon's Texas Civil Statutes); and declaring an emergency.

The motion prevailed by the following vote: Yeas 19, Nays 8.

Yeas: Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Green, Johnson, Krier, Lyon, Montford, Parker, Parmer, Santiesteban, Sims, Tejada, Washington, Whitmire, Zaffirini.

Nays: Anderson, Edwards, Farabee, Harris, Jones, Leedom, McFarland, Uribe.

Absent: Truan.

Absent-excused: Glasgow, Henderson, Sarpalius.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTES

Senators Blake and Brown asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 344
ON SECOND READING**

Senator Harris asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 344, Relating to a gas utility not maintaining the capacity to serve a customer who has chosen to purchase from a competitor.

There was objection.

Senator Harris then moved to suspend the regular order of business and take up **C.S.S.B. 344** for consideration at this time.

The motion prevailed by the following vote: Yeas 24, Nays 4.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Green, Harris, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Santiesteban, Sims, Tejeda, Truan, Uribe.

Nays: Parmer, Washington, Whitmire, Zaffirini.

Absent-excused: Glasgow, Henderson, Sarpalius.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 344
ON THIRD READING**

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 344** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 4.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Green, Harris, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Santiesteban, Sims, Tejeda, Truan, Uribe.

Nays: Parmer, Washington, Whitmire, Zaffirini.

Absent-excused: Glasgow, Henderson, Sarpalius.

The bill was read third time and was passed viva voce vote.

SENATE BILL 104 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 104, Relating to administrative review of property tax determinations.

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 104** (printed committee report dated March 3, 1987) on page 2, line 46, by inserting the following immediately after the sentence that ends on that line:

The commission shall set the fees in the amounts necessary to recover the costs of administering this subchapter.

The amendment was read and was adopted viva voce vote.

Senator Jones offered the following amendment to the bill:

Floor Amendment No. 2

Amend **S.B. 104** by striking Section 7 and substituting the following:

SECTION 7. (a) Except as provided by Subsection (b) of this section, this Act takes effect on January 1 of the first state fiscal year for which state funds are specifically appropriated for funding the Property Tax Appeals Commission and the administration of Subchapter C, Chapter 42, Tax Code, as added by this Act. The right to appeal to the commission as provided by this Act applies only to an appeal relating to property taxes imposed on or after that January 1.

(b) Section 1 of this Act takes effect on September 1 of the first state fiscal year for which state funds are specifically appropriated for funding the Property Tax Appeals Commission and the administration of Subchapter C, Chapter 42, Tax Code, as added by this Act. In making the initial appointments under Section 1, the governor shall designate one member for a term expiring on March 1 of the next odd-numbered year following the calendar year in which Section 1 takes effect, one member for a term expiring March 1 of the second odd-numbered year following the calendar year in which Section 1 takes effect, and one member for a term expiring on March 1 of the third odd-numbered year following the calendar year in which Section 1 takes effect. The commission shall prescribe forms under Section 5.34, Tax Code, as added by this Act, and shall adopt all rules required under Subchapter C, Chapter 42, Tax Code, as added by this Act, before May 1 of the year following the calendar year in which Section 1 of this Act takes effect.

The amendment was read and was adopted viva voce vote.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTES

Senators Green, Washington and Whitmire asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 104 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 104** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Harris, Johnson, Jones, Krier, Leedom, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Zaffirini.

Nays: Brooks, Green, Lyon, Washington, Whitmire.

Absent-excused: Glasgow, Henderson, Sarpalius.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Brooks, Green, Lyon, Washington and Whitmire asked to be recorded as voting "Nay" on the final passage of the bill.

MOTION TO ADJOURN

On motion of Senator Brooks and by unanimous consent, the Senate at 12:14 p.m. agreed to adjourn, upon the completion of first reading and referral of bills on the President's desk, until 11:00 a.m. tomorrow.

(Senator Blake in Chair)

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.R. 210 by Brown Administration
Establishing the Space Science Industry Commission.

S.C.R. 55 by Parker Education
Directing the Coordinating Board, Texas College and University System, to study the funding policies at institutions of higher education.

S.C.R. 56 by McFarland Jurisprudence
Granting JCPenney Life Insurance Company permission to sue the State of Texas, the State Board of Insurance, and the State Treasurer.

S.C.R. 57 by Armbrister Natural Resources
Designating the Texas Maritime Museum in Aransas County as the official state maritime museum.

S.C.R. 58 by Barrientos, Johnson Health and Human Services
Directing certain agencies to develop an interagency agreement providing for continuum or residential care and other services to children with disabilities.

S.C.R. 59 by Barrientos Education
Requesting the State Board of Education to require that aides be supervised by certified special education teachers for a minimum of three hours per day.

S.C.R. 60 by Barrientos Education
Requesting the Board of Education to mandate that items outlined in the current rules are addressed when developing individual education plans for students with mental or developmental disabilities.

S.C.R. 62 by Barrientos Jurisprudence
Granting Phyllis Dutoit permission to sue the State of Texas and the Department of Human Services.

S.C.R. 63 by Barrientos State Affairs
Establishing the Select Committee on Employee Classification and Compensation to conduct an examination and evaluation of the current classification and compensation system.

S.C.R. 64 by Brooks Health and Human Services
Recognizing the need to provide funding to the Texas Department of Human Services for Medicaid.

S.C.R. 65 by Uribe Intergovernmental Relations
Encouraging the support of United States Senators Bentsen and Gramm and United States Congressmen Ortiz and de la Garza for the consolidation of the MSA's in the Lower Rio Grande Valley of Texas.

S.C.R. 66 by Brooks, Parmer Health and Human Services
Expressing support for the continuation of programs that provide health-care and personal care services for elderly Texans.

S.C.R. 67 by Farabee Health and Human Services
Directing the Committee on Substance Abuse Treatment Delivery to make recommendations pertaining to appropriations.

S.C.R. 68 by Farabee Health and Human Services
Establishing the Division for Oversight for Mental Health Services under the Health and Human Services Coordinating Council.

S.J.R. 37 by Parker State Affairs
Proposing a constitutional amendment to allow a state employee or other individual who receives all or part of his compensation from state funds to be eligible to receive a salary for serving on the governing body of certain political subdivisions.

S.J.R. 38 by Barrientos Finance
Proposing a constitutional amendment to limit ad valorem tax increases on the residence homesteads of elderly persons and certain surviving spouses of elderly persons.

S.J.R. 39 by Edwards State Affairs
Proposing a constitutional amendment relating to the apportionment of senate and house districts according to population.

S.J.R. 40 by Krier State Affairs
Proposing a constitutional amendment to authorize broadened investment authority for certain veteran and university funds.

S.J.R. 41 by Barrientos Finance
Proposing a constitutional amendment authorizing the legislature to provide for property tax relief for residential property with continuous ownership.

S.J.R. 42 by Johnson Jurisprudence
Proposing a constitutional amendment providing for the election of justices to the supreme court and judges to the court of criminal appeals from single-member districts.

S.J.R. 43 by Johnson Jurisprudence
Proposing a constitutional amendment authorizing the legislature to provide for the election of justices to the courts of appeals from single-member or multimember districts.

S.J.R. 44 by Edwards, Parker, Johnson, Sims, Truan State Affairs
Proposing a constitutional amendment allowing the issuance of general obligation bonds for undertakings related to a Superconducting Super Collider research facility.

S.J.R. 45 by Anderson Jurisprudence
Proposing a constitutional amendment to provide for the inclusion of constitutional county judges on the State Commission on Judicial Conduct.

S.J.R. 46 by Anderson State Affairs
Proposing a constitutional amendment to authorize the establishment of a pilot revolving loan fund for promoting small business growth in high unemployment rural areas.

- S.J.R. 47** by Lyon Jurisprudence
Proposing a constitutional amendment relating to the terms of office of justices of the courts of appeals and judges of the district courts.
- S.J.R. 48** by Edwards State Affairs
Proposing a constitutional amendment to authorize grants for stimulating agricultural innovation and fostering the growth of enterprises based on agriculture.
- S.J.R. 49** by Edwards State Affairs
Proposing a constitutional amendment authorizing the issuance of general obligation bonds to provide financial assistance to small agricultural businesses of Texas for the production, processing, marketing, and export of Texas agricultural crops and products.
- S.J.R. 50** by Washington State Affairs
Proposing a constitutional amendment to prohibit certain investments of assets of the permanent university fund.
- S.B. 967** by Santiesteban Natural Resources
Relating to minimum standards for underground water regulation by and the creation, operation, and financing of underground water districts.
- S.B. 968** by Sims Economic Development
Relating to bonding and other surety requirements for payment of motor fuel taxes.
- S.B. 969** by Sims Natural Resources
Relating to the repeal of certain provisions of the Texas Clean Air Act [Art. 4477-5, Sec. 3.28(g) and (h)] dealing with operating permits.
- S.B. 970** by Krier State Affairs
Relating to the issuance of certain alcoholic beverage permits and licenses to civic and charitable organizations and to the donation of alcoholic beverages to a civic or charitable organization.
- S.B. 971** by Krier State Affairs
Relating to the location in a food court of the premises of a holder of a wine and beer retailer's permit.
- S.B. 972** by Krier Education
Relating to the recruitment of women and ethnic minorities into programs of engineering and applied science at institutions of higher education; making an appropriation.
- S.B. 973** by Farabee Education
Relating to the Texas School for the Blind; changing the name of the Texas School for the Blind to the Texas School for the Blind and Visually Impaired.
- S.B. 974** by Parker State Affairs
Relating to certain powers of the secretary of state regarding computer software and access to information stored in computer record banks.
- S.B. 975** by Whitmire State Affairs
Relating to certain acknowledgments made by notaries public; providing a criminal penalty.
- S.B. 976** by Parmer Economic Development
Relating to emergency services under certain insurance policies and coverage of health maintenance organizations.
- S.B. 977** by Armbrister State Affairs
Relating to certain requirements for eligibility for unemployment compensation benefits and to employer chargebacks for those benefits.

- S.B. 978** by Armbrister Criminal Justice
Relating to issuance of a license to carry a handgun and to unlawful carrying of handguns; providing a penalty.
- S.B. 979** by Armbrister Natural Resources
Relating to the penalty for violating daily catch and retention limits for red drum and speckled sea trout.
- S.B. 980** by Armbrister Natural Resources
Relating to prohibiting the purchase and sale of snook, tarpon, and striped bass; creating an offense.
- S.B. 981** by Armbrister State Affairs
Relating to a definition of "last work" under the Texas Unemployment Compensation Act.
- S.B. 982** by Montford Finance
Relating to the exemption from ad valorem taxation of land used for disposal of dredge material from the Gulf Intracoastal Waterway.
- S.B. 983** by Montford Criminal Justice
Relating to the authority of the attorney general to obtain criminal history record information, nonconviction data, and other information recorded or maintained by or accessible to the Department of Public Safety.
- S.B. 984** by Montford Criminal Justice
Relating to the commissioning as peace officers of investigators appointed by the attorney general.
- S.B. 985** by Montford State Affairs
Relating to the reporting to the attorney general of certain delinquent or unpaid debts, judgments, and other obligations owed to this state.
- S.B. 986** by Parker Economic Development
Relating to service station fair trade; providing injunctive relief and action for damages.
- S.B. 987** by Parker State Affairs
Relating to the right of employees of political subdivisions to designate a part of their earned income for transfer to organizations or agencies of their own choosing.
- S.B. 988** by Barrientos Natural Resources
Validating creation of the Barton Springs-Edwards Aquifer Conservation District and amending the powers and duties of that district; providing the authority to impose penalties and water use fees; and reducing the authorized level of taxation.
- S.B. 989** by Jones Economic Development
Relating to the creation of a surplus lines stamping office.
- S.B. 990** by Parker, Green State Affairs
Relating to retirement eligibility and benefits for certain members of the Teacher Retirement System of Texas.
- S.B. 991** by Parker Education
Relating to cooperative bilateral educational decision making for certain school districts and their employees.
- S.B. 992** by Parker Education
Relating to reduction of paperwork in institutions of higher education; and declaring an emergency.

- S.B. 993** by Parker Education
Relating to the testing of and remedial education opportunities for students at public institutions of higher education.
- S.B. 994** by Parker Education
Relating to teacher education.
- S.B. 995** by Parker Finance
Relating to the salaries of employees of the Central Education Agency.
- S.B. 996** by Brown Health and Human Services
Relating to the establishment of a job training and work experience program for persons receiving financial assistance under the Aid to Families with Dependent Children program.
- S.B. 997** by Santiesteban Natural Resources
Relating to hunting the golden eagle or the Mexican brown eagle.
- S.B. 998** by Santiesteban Natural Resources
Relating to affidavits certifying certain convictions under the Parks and Wildlife Code and other information provided to the Texas Parks and Wildlife Department by a justice court.
- S.B. 999** by Santiesteban Natural Resources
Relating to recovery by the state for the value of certain fish, shellfish, reptiles, amphibians, birds, or animals.
- S.B. 1000** by Santiesteban Natural Resources
Relating to the acquisition of natural areas and wetlands.
- S.B. 1001** by Zaffirini Health and Human Services
Relating to the designation of certain chemicals as volatile chemicals.
- S.B. 1002** by Zaffirini Health and Human Services
Relating to who may consent to medical treatment of a minor for immunizations required by law.
- S.B. 1003** by Zaffirini, Sarpalius, Sims Education
Relating to the suspension of a student from participation in certain vocational activities.
- S.B. 1004** by Zaffirini, Brooks Health and Human Services
Relating to alcohol and drug education in public schools.
- S.B. 1005** by Barrientos Education
Relating to negotiations for school district employees.
- S.B. 1006** by Lyon Criminal Justice
Relating to the provision of certain counseling services to the employees of the Texas Department of Corrections.
- S.B. 1007** by Montford Economic Development
Relating to eligibility for and the operation of the Texas Public School Retired Employees Group Insurance Program.
- S.B. 1008** by Montford Natural Resources
Relating to the regulation of water and sewer utilities; providing administrative and civil penalties.
- S.B. 1009** by Krier Jurisprudence
Relating to workers' compensation self-insurance and unfair or deceptive claims practices.

- S.B. 1010** by Krier Education
Relating to the size of a class in which certain primary school children are enrolled.
- S.B. 1011** by Barrientos State Affairs
Relating to the payment of certain laborers, workers, and mechanics under public works contracts.
- S.B. 1012** by Barrientos State Affairs
Relating to the determination by the Texas Department of Labor and Standards of prevailing wage rates for certain public works contracts.
- S.B. 1013** by Barrientos Education
Relating to the development of research facilities at The University of Texas at Austin.
- S.B. 1014** by Barrientos Finance
Relating to limiting ad valorem tax increases on the residence homesteads of elderly persons and certain surviving spouses of elderly persons.
- S.B. 1015** by Johnson Education
Relating to restricted access to rare books, original manuscripts, personal papers and unpublished letters; amending Section 51.910 of Subchapter Z, Chapter 51, Texas Education Code.
- S.B. 1016** by Johnson Education
Relating to limitations on a school district that is granted an exception from class size limitations for certain reasons.
- S.B. 1017** by Johnson Jurisprudence
Relating to a landlord's duty to repair.
- S.B. 1018** by Johnson Jurisprudence
Relating to the prohibition of discrimination in certain public accommodations and associations; providing a penalty.
- S.B. 1019** by Zaffirini, Tejeda Jurisprudence
Relating to the offenses of interference with child custody and enticing a child.
- S.B. 1020** by McFarland Criminal Justice
Relating to an offer of merchandise in a carnival contest sponsored by a nonprofit group.
- S.B. 1021** by McFarland Criminal Justice
Relating to the compensation under the Crime Victims Compensation Act for certain persons if the victim is younger than 17 years of age.
- S.B. 1022** by McFarland State Affairs
Relating to rate plans for local telephone service.
- S.B. 1023** by Montford Jurisprudence
Relating to certain orders issued by a juvenile court judge who is not an attorney.
- S.B. 1024** by Parker Intergovernmental Relations
Relating to the compensation of judges in Chambers County.
- S.B. 1025** by Parker Natural Resources
Relating to the authority of the Jefferson County Drainage District No. 6 to make purchases and to acquire and sell property.
- S.B. 1026** by Parker Natural Resources
Relating to the duties and compensation of the board of directors of the Trinity Bay Conservation District.

- S.B. 1027** by Farabee State Affairs
Relating to approval of the issuance of state bonds.
- S.B. 1028** by Farabee State Affairs
Relating to the examination, approval, registration, and recording of certain bonds.
- S.B. 1029** by Parker, Brooks, Truan, Uribe Natural Resources
Relating to the creation and funding of the Texas Coastal and Marine Council.
- S.B. 1030** by Sarpalius Natural Resources
Relating to the bonding and net worth requirements for public grain warehouses.
- S.B. 1031** by Sarpalius Natural Resources
Relating to the regulation of public grain warehouses.
- S.B. 1032** by Sarpalius Natural Resources
Relating to the termination of storage of grain.
- S.B. 1033** by Santiesteban Natural Resources
Relating to the protection of groundwater in the state.
- S.B. 1034** by Blake State Affairs
Relating to certain requirements for eligibility for unemployment compensation benefits.
- S.B. 1035** by Tejeda Criminal Justice
Relating to the prescription and delivery of certain anabolic steroids.
- S.B. 1036** by Tejeda State Affairs
Relating to the authority of certain partnerships to exercise the power of eminent domain.
- S.B. 1037** by Krier Jurisprudence
Relating to interests in real and personal property.
- S.B. 1038** by Krier Jurisprudence
Relating to the satisfaction of certain pecuniary bequests, devises, or transfers in trust in a manner fairly representative of appreciation or depreciation of the property of the estate.
- S.B. 1039** by Krier State Affairs
Relating to the manner in which the constitutional oath of office is taken.
- S.B. 1040** by Lyon Health and Human Services
Requiring hospitals to notify certain governmental entities of the admittance of a patient with a contagious or infectious disease; and declaring an emergency.
- S.B. 1041** by Lyon State Affairs
Relating to punishment for certain offenses involving leaving the scene of a motor vehicle accident.
- S.B. 1042** by Krier Jurisprudence
Relating to appealing disputed medical benefits in lifetime benefit cases under the Workers' Compensation Act.
- S.B. 1043** by Krier Jurisprudence
Relating to medical examinations ordered by the association under Workers' Compensation Act.
- S.B. 1044** by Krier Jurisprudence
Relating to setting cases for pre-hearing conference and awards by the Industrial Accident Board on joint motion.

- S.B. 1045** by Krier Jurisprudence
Relating to the authority of municipalities and counties to control false security alarms; providing a penalty.
- S.B. 1046** by Krier, Tejeda, Zaffirini Natural Resources
Relating to the powers, duties, and compensation of the directors of the Edwards Underground Water District.
- S.B. 1047** by Barrientos State Affairs
Authorizing the sale to the highest bidder of certain land in Travis County by the Department of Public Safety; providing for the use of proceeds.
- S.B. 1048** by Green Economic Development
Relating to exemptions from the requirements of record keeping for certain nonprofit corporations.
- S.B. 1049** by Green Economic Development
Relating to notice of insurance coverage before acceptance of collision damage waivers under car rental and lease agreements.
- S.B. 1050** by Green State Affairs
Relating to suspension or revocation of a license to operate a motor vehicle and suspension of the registration of a motor vehicle.
- S.B. 1051** by Green State Affairs
Relating to the effect of bankruptcy proceedings on requirements of the Texas Motor Vehicle Safety-Responsibility Act.
- S.B. 1052** by Green State Affairs
Relating to an expansion of the preference given Texas and American bidders for certain state contracts.
- S.B. 1053** by Green State Affairs
Relating to the preference for Texas and United States products under certain public purchasing contracts.
- S.B. 1054** by Green Economic Development
Relating to accounting for and reporting certain reinsurance agreements.
- S.B. 1055** by Green Intergovernmental Relations
Relating to the abatement of public nuisances in certain counties; providing penalties.
- S.B. 1056** by Krier Jurisprudence
Relating to the production, sale, or use of falsified motor vehicle registration insignia; providing a penalty.
- S.B. 1057** by Krier Jurisprudence
Relating to minimum standards for and the qualifications of persons conducting social studies before an adoption.
- S.B. 1058** by Krier Health and Human Services
Relating to gifts, grants, and donations made to the Texas Department of Mental Health and Mental Retardation or on behalf of a facility operated by the department.
- S.B. 1059** by Krier State Affairs
Relating to conducting and financing primary elections.

S.B. 1060 by Brooks Natural Resources
Relating to the investment of funds of water control and improvement districts; amending Subchapter I, Chapter 51, Water Code by adding Section 51.363; and declaring an emergency.

S.B. 1061 by Leedom Criminal Justice
Relating to the creation of the offense of cock fighting and the disposition of certain cock-fighting equipment.

S.B. 1062 by Brooks, Washington Health and Human Services
Relating to the coordinated clinical education of medical and dental students, interns, residents, and fellows.

S.B. 1063 by Tejeda Jurisprudence
Relating to jury fees in civil and criminal matters and certain filing fees collected by a justice of the peace.

S.B. 1064 by Tejeda Criminal Justice
Relating to conditions of probation imposed on certain persons convicted of sexual offenses.

S.B. 1065 by Tejeda Intergovernmental Relations
Relating to local regulations relating to registered massage therapists.

S.B. 1066 by Krier Finance
Relating to the exemption from ad valorem taxation of certain property of biomedical research organizations.

S.B. 1067 by Krier State Affairs
Relating to service connections by a municipal utility district to individually metered dwelling units; and declaring an emergency.

S.B. 1068 by Krier Jurisprudence
Relating to the distribution of certain independently administered estates.

S.B. 1069 by Harris Jurisprudence
Relating to files and records of certain offenses committed by juveniles.

S.B. 1070 by Krier State Affairs
Relating to authorized investments for a portion of the veterans land fund, the permanent university fund, the teachers retirement system, the employees retirement system, the Texas county and district statewide retirement system, the Texas municipal statewide retirement system.

S.B. 1071 by Krier State Affairs
Relating to the method of returning marked absentee mail ballots.

S.B. 1072 by Farabee Health and Human Services
Relating to the prevention and control of communicable diseases; providing penalties.

S.B. 1073 by Farabee Health and Human Services
Relating to the provision of health care to certain indigent individuals.

S.B. 1074 by Montford Economic Development
Relating to review by medical review panels of certain claims against health care providers.

S.B. 1075 by Tejeda Jurisprudence
Relating to fees charged for the preparation of instruments affecting title to real property.

- S.B. 1076** by Tejeda State Affairs
Relating to the conflicts of interest of local public officials.
- S.B. 1077** by Tejeda Criminal Justice
Relating to the judges who may issue certain search warrants.
- S.B. 1078** by Tejeda Health and Human Services
Relating to emergency medical services and trauma care systems.
- S.B. 1079** by Tejeda Health and Human Services
Relating to the provision of emergency medical services.
- S.B. 1080** by Henderson State Affairs
Relating to deadlines for filing certain financial statements and to forms provided by the secretary of state.
- S.B. 1081** by Henderson State Affairs
Relating to registrations and reports filed with the secretary of state concerning communications to influence legislation or administrative action.
- S.B. 1082** by Henderson Natural Resources
Relating to the creation, administration, and operation of regional districts under Chapter 50, Water Code and the assumption of debt of a regional district by a city.
- S.B. 1083** by Henderson Economic Development
Relating to collection of fees on dishonor of checks given in payment under certain loan agreements.
- S.B. 1084** by Lyon, Krier Criminal Justice
Relating to the testimony of a child in certain administrative proceedings.
- S.B. 1085** by Krier Criminal Justice
Relating to offenses related to picketing.
- S.B. 1086** by Krier Jurisprudence
Relating to a penalty for usury.
- S.B. 1087** by Edwards Education
Relating to the effect of a reduction in state revenue allocated to a school district on the district's ad valorem tax rate.
- S.B. 1088** by Edwards Education
Relating to the appraisal of public school teachers for purposes of the career ladder.
- S.B. 1089** by Krier Jurisprudence
Relating to continuances of cases in which a party applying for a continuance or the party's attorney is a member of the legislature.
- S.B. 1090** by Blake State Affairs
Relating to the financing of the renovation of the State Capitol through bonds issued by the Texas Public Building Authority; providing an appropriation.
- S.B. 1091** by Barrientos Natural Resources
Relating to the requirement of an observer or a mirror on a boat that tows people.
- S.B. 1092** by Barrientos Education
Relating to mandatory retirement ages for tenured faculty at institutions of higher education.
- S.B. 1093** by Barrientos Jurisprudence
Relating to the filing, prosecution, and enforcement of protective orders.

- S.B. 1094** by Barrientos State Affairs
Relating to the creation of a shared work unemployment compensation program for state employees.
- S.B. 1095** by Barrientos State Affairs
Relating to an increase in the calculation, payment, and financing of retirement benefits by the Employees Retirement System of Texas.
- S.B. 1096** by Barrientos Education
Relating to the amount and terms of, and fees payable in connection with, student loans from the Texas Opportunity Plan Fund.
- S.B. 1097** by Krier State Affairs
Relating to the publication of the Texas Administrative Code.
- S.B. 1098** by Whitmire Economic Development
Relating to the registration of charitable trusts.
- S.B. 1099** by Whitmire Natural Resources
Relating to requiring certain agricultural employers to provide agricultural laborers with information concerning hazardous chemicals to which they may be exposed during their employment, and to powers and duties of the Department of Agriculture concerning the provision of that information; providing civil and criminal penalties.
- S.B. 1100** by Zaffirini Education
Relating to the Texas Eminent Scholars Program.
- S.B. 1101** by Green State Affairs
Relating to water and sewer utility service affecting certain major urban areas; providing civil and criminal penalties.
- S.B. 1102** by Green State Affairs
Relating to mandatory proof of financial responsibility for a motor vehicle.
- S.B. 1103** by Anderson Natural Resources
Relating to the creation of a job-start loan program to provide employment opportunities for certain displaced farmers and other persons.
- S.B. 1104** by Anderson Economic Development
Relating to the imposition of certain fees and taxes on insurers and health maintenance organizations.
- S.B. 1105** by Edwards, Parker, Johnson, Sims, Truan State Affairs
Relating to the powers and duties of the Texas National Research Laboratory Commission; granting authority to issue bonds.
- S.B. 1106** by Harris State Affairs
Relating to the condemnation of a private lake by a county.
- S.B. 1107** by Krier Criminal Justice
Relating to the punishment for the offenses of sale or delivery of certain volatile chemicals and delivery or display of certain glues and aerosol paints.
- S.B. 1108** by Farabee Criminal Justice
Relating to a defendant's right to be represented by counsel in certain criminal proceedings and to the duties and compensation of appointed counsel.
- S.B. 1109** by Krier Intergovernmental Relations
Relating to the issuance of license receipts by persons other than the county tax assessor-collector.

- S.B. 1110** by Krier Jurisprudence
Relating to protective orders in cases of family violence.
- S.B. 1111** by Krier Jurisprudence
Relating to the offense of violation of a court order.
- S.B. 1112** by Krier Criminal Justice
Relating to the admissibility of a hearsay statement by an abused child in civil cases and administrative proceedings.
- S.B. 1113** by Tejeda State Affairs
Relating to the date on which Memorial Day is celebrated.
- S.B. 1114** by Tejeda Criminal Justice
Relating to authorizing retired federal law enforcement officers to lawfully carry certain weapons.
- S.B. 1115** by Tejeda Criminal Justice
Relating to the disposition of certain weapons seized in connection with an offense.
- S.B. 1116** by Tejeda Intergovernmental Relations
Relating to the county requirement of a bond from landowners for the construction of a new road.
- S.B. 1117** by Edwards, Barrientos, Farabee, Johnson, Sarpalius, Uribe, Truan, Zaffirini Education
Relating to reducing the number of students who drop out of public school.
- S.B. 1118** by Harris Economic Development
Relating to disclosures and causes of actions involving and the regulation of holders of liens on manufactured housing.
- S.B. 1119** by Edwards State Affairs
Relating to elections.
- S.B. 1120** by Lyon, Krier Criminal Justice
Relating to the competency of a child to testify in a civil proceeding.
- S.B. 1121** by Armbrister Economic Development
Relating to the regulation of real estate brokers and salesmen and declaring an emergency.
- S.B. 1122** by Armbrister Education
Relating to the scheduling of educational assessment instruments.
- S.B. 1123** by Armbrister Jurisprudence
Relating to suits to establish paternity and voluntary legitimation, court-ordered support, and to termination of the rights of an alleged or probable father.
- S.B. 1124** by Armbrister Intergovernmental Relations
Relating to the jurisdiction of the County Court of Victoria County.
- S.B. 1125** by Armbrister Intergovernmental Relations
Relating to the County Court at Law of Victoria County.
- S.B. 1126** by Armbrister State Affairs
Relating to administrative and judicial proceedings concerning suspension, revocation, cancellation, or denial of a license, permit, or privilege to operate a motor vehicle.
- S.B. 1127** by Armbrister State Affairs
Relating to rehabilitation programs and driving privileges for persons who have driven while intoxicated.

- S.B. 1128** by Armbrister State Affairs
Relating to suspension or revocation of a license, permit, or privilege to operate a motor vehicle.
- S.B. 1129** by Armbrister State Affairs
Relating to elements and punishment of, and penalties for, offenses involving the operation of a motor vehicle after the invalidation of a driver's license, permit, or privilege or a vehicle registration.
- S.B. 1130** by Green Natural Resources
Relating to the authority of the Texas Air Control Board to issue temporary or emergency orders allowing construction or modification of facilities to prevent loss of life, serious injury, severe property damage or severe economic loss or to make certain repairs to a facility damaged by a catastrophic event.
- S.B. 1131** by Green Intergovernmental Relations
Relating to conflicts of interest for a local public official with a substantial interest in a business.
- S.B. 1132** by Green Economic Development
Relating to the regulation of health maintenance organizations and their agents.
- S.B. 1133** by Brooks Education
Relating to the Texas Public Education Compensation Plan.
- S.B. 1134** by Brooks Health and Human Services
Relating to the certification of nursing homes and related institutions that provide specialized care for persons with Alzheimer's disease and related disorders; providing a penalty.
- S.B. 1135** by Caperton Jurisprudence
Relating to determination of liability on claims.
- S.B. 1136** by Caperton Jurisprudence
Relating to persons entitled to death benefits.
- S.B. 1137** by Caperton Finance
Relating to the funding for the Interagency Council of Mentally Retarded, Developmentally Disabled, and Mentally Ill Offenders; making an appropriation.
- S.B. 1138** by Caperton Jurisprudence
Relating to technical corrections and clarifications in suits brought under Titles 1 and 2, Family Code.
- S.B. 1139** by Parker Education
Relating to annexation and detachment of certain school districts.
- S.B. 1140** by Parker, Farabee Education
Relating to the powers and duties of the Coordinating Board, Texas College and University System.
- S.B. 1141** by Parker Education
Relating to management policies of institutions and agencies of higher education.
- S.B. 1142** by Harris Economic Development
Relating to the regulation of certain career counseling services; providing a civil penalty.
- S.B. 1143** by Harris State Affairs
Relating to financing of a building for the State Board of Insurance, authorizing bonds by the Texas Public Building Authority, and declaring an emergency.

- S.B. 1144** by Harris, Krier Education
Relating to approval of certain construction, repair, or rehabilitation projects undertaken by private tenants on lands leased from institutions of higher education.
- S.B. 1145** by Harris State Affairs
Relating to the powers and duties of the Sunset Advisory Commission and the review of certain agencies by that commission.
- S.B. 1146** by Harris State Affairs
Relating to financing of a records & equipment warehouse for the State Board of Insurance, authorizing bonds by the Texas Public Building Authority, and declaring an emergency.
- S.B. 1147** by Harris Economic Development
Relating to regulation of certain rates of underwriters at a Lloyd's.
- S.B. 1148** by Harris Economic Development
Relating to the creation, operation, and regulation of risk retention groups and purchasing groups.
- S.B. 1149** by Barrientos State Affairs
Relating to the authority of the State Purchasing and General Services Commission to sell surplus and salvage property to rural fire prevention districts and volunteer fire departments.
- S.B. 1150** by Barrientos, Uribe Health and Human Services
Relating to the reporting, investigation, and prevention of abuse of elderly or disabled persons.
- S.B. 1151** by Barrientos, Uribe Health and Human Services
Relating to orders for protective services for an elderly or disabled person.
- S.B. 1152** by Barrientos Economic Development
Relating to the offense of reproduction for sale of a sound recording without the owner's consent and without disclosing the origin of the recording, and to the disposition of certain simulated property forfeited to the state; providing penalties.
- S.B. 1153** by Anderson Finance
Relating to the exemption from property taxation of new industrial improvements, to the imposition of county sales and use taxes to reduce county and school district property tax rates and to finance certain public improvements to promote economic development.
- S.B. 1154** by Anderson Jurisprudence
Relating to the authority of the Industrial Accident Board to bar certain persons from practicing before that board.
- S.B. 1155** by Anderson Natural Resources
Relating to adoption of the Interstate Compact on Agricultural Grain Marketing.
- S.B. 1156** by Anderson Economic Development
Relating to the regulation of certain personnel services; providing a civil penalty.
- S.B. 1157** by Anderson Jurisprudence
Relating to the assignment of judges and their compensation amending Chapter 732, Acts of the 69th Legislature, Regular Session, 1985 (Article 200a-1, Revised Civil Statutes).
- S.B. 1158** by Anderson State Affairs
To amend the public property finance act with respect to and regulating the use, acquisition, and purchase of real and personal property by designated governmental

agencies or by non-profit corporations acting on their behalf, and declaring an emergency.

S.B. 1159 by Anderson Jurisprudence
Relating to the right of appeal in certain workers' compensation cases involving allegations of fraudulent conduct.

S.B. 1160 by Brooks Health and Human Services
Relating to the regulation of professional nursing, the establishment of professional nursing peer review, and certain professional nursing reporting procedures; providing a penalty.

S.B. 1161 by Brooks Health and Human Services
Relating to the regulation of pharmacists, pharmacies, and dangerous drugs.

S.B. 1162 by Brooks Health and Human Services
Relating to the regulation of child-care facilities.

S.B. 1163 by Brooks Health and Human Services
Relating to services for crippled and disabled children.

S.B. 1164 by Brooks Health and Human Services
Relating to the regulation of day-care center directors and child-care administrators.

S.B. 1165 by Brooks Health and Human Services
Relating to a program to designate certain hospital facilities as perinatal centers and to payment of the costs of transportation to or from a perinatal center.

S.B. 1166 by Edwards State Affairs
Relating to eliminating the grounds for voting absentee.

S.B. 1167 by Edwards State Affairs
Relating to a single absentee ballot application submitted by certain voters for multiple elections for which the county clerk is required to, or contracts to, conduct absentee voting.

S.B. 1168 by Parmer State Affairs
Relating to the regulation of alcoholic beverages; providing penalties.

S.B. 1169 by Edwards State Affairs
Relating to the Sunset Advisory Commission and the review of certain agencies by the commission.

S.B. 1170 by Krier Finance
Relating to the determination of surplus for purposes of the franchise tax.

S.B. 1171 by Krier Criminal Justice
Relating to a defendant's waiver of trial by a jury in a criminal case.

S.B. 1172 by Krier Criminal Justice
Relating to costs imposed on violations of certain municipal ordinances to generate funds for victims of crime and on the amount of those costs that may be retained by a city or county as a collection fee.

S.B. 1173 by Krier Jurisprudence
Relating to mediation of issues in a suit affecting the parent-child relationship, to the appointment and qualifications of mediators, and to the fees that may be charged for mediation services.

S.B. 1174 by Parmer Intergovernmental Relations
Relating to the validation of the adoption of a charter, certain incorporation proceedings, elections, annexations, and governmental proceedings of municipalities.

- S.B. 1175** by Uribe, Santiesteban State Affairs
Relating to creation and operation of an uninsured motorists victims compensation fund; and providing for the imposition and distribution of penalties for failure to provide evidence of financial responsibility.
- S.B. 1176** by Armbrister Economic Development
Relating to the regulation of a person who is or seeks to become the sports agent of certain collegiate athletes; providing a penalty.
- S.B. 1177** by Armbrister Natural Resources
Relating to regulation of the liquefied petroleum gas industry.
- S.B. 1178** by Sims Natural Resources
Relating to nonresident hunting licenses and to the animals that may be taken under those licenses.
- S.B. 1179** by Sims Intergovernmental Relations
Relating to the authority of certain counties to adopt ordinances on various subjects; providing a penalty.
- S.B. 1180** by Brown State Affairs
Relating to the offense of intentionally altering or obscuring motor vehicle license plates.
- S.B. 1181** by Brown Intergovernmental Relations
Relating to the circumstances under which a plat for a residential area may be changed.
- S.B. 1182** by Brown Jurisprudence
Relating to the creation of the offense of interfering with the duties of public servants.
- S.B. 1183** by Brown Intergovernmental Relations
Relating to publication of notice relating to certain real property transactions by political subdivisions.
- S.B. 1184** by Harris State Affairs
Relating to the fee for registering a motor vehicle utilizing a credit or debit card, or off-premises location under contract to the county.
- S.B. 1185** by Anderson Economic Development
Relating to the creation and operation of the Texas Title Insurance Guaranty Association and the supervision, conservatorship, and liquidation of title insurers and agents.
- S.B. 1186** by Santiesteban Natural Resources
Relating to solid waste disposal.
- S.B. 1187** by Farabee Jurisprudence
Relating to the offense of receiving deposits in certain financial institutions and to defense to prosecution.
- S.B. 1188** by Farabee Jurisprudence
Relating to the sale, lease, transfer, or termination of certain business opportunities.
- S.B. 1189** by Uribe Natural Resources
Relating to boll weevil control; providing civil and criminal penalties.
- S.B. 1190** by Uribe Finance
Relating to the appropriations and riders affecting the Department of Agriculture; making an appropriation.

- S.B. 1191** by Brown Natural Resources
Relating to appeal from an action taken pursuant to Section 26.177 of the Water Code.
- S.B. 1192** by Brown Natural Resources
Relating to the creation of political subdivisions having as one of their purposes the supplying of fresh water or the furnishing of sanitary sewer services within the area of the extraterritorial jurisdiction of any city.
- S.B. 1193** by Brown Economic Development
Relating to the regulation of the manufacture, distribution, conversion, and sale of certain motor vehicles.
- S.B. 1194** by Brown Jurisprudence
Relating to the rights of an injured worker and the procedures applicable to the Texas workers' compensation system.
- S.B. 1195** by Brown Economic Development
Relating to the establishment of a workers' compensation insurance competitive rating system.
- S.B. 1196** by Brown State Affairs
Relating to the definition of "employment" for unemployment compensation purposes.
- S.B. 1197** by Green Jurisprudence
Relating to jury fees in civil cases in counties with a population of two million or more.
- S.B. 1198** by Henderson Criminal Justice
Relating to certain procedures used in the trial of criminal cases, including the joinder of offenses, waiver of jury trial, and prosecution under provisions of the Speedy Trial Act.
- S.B. 1199** by Henderson Criminal Justice
Relating to recording the sale of certain chemical precursors to controlled substances; providing a penalty.
- S.B. 1200** by Henderson Economic Development
Relating to certain motor vehicle insurance premium deductions.
- S.B. 1201** by Montford, Glasgow Education
Relating to the collection of fees by institutions of higher education.
- S.B. 1202** by Santiesteban Economic Development
Relating to the regulation of title insurance and imposing a tax on premiums.
- S.B. 1203** by Santiesteban Natural Resources
Relating to the rights, duties and obligations of surface owners who act as the leasing agent for certain state minerals and to the issuance of state prospecting permits for certain minerals.
- S.B. 1204** by Santiesteban Health and Human Services
Relating to the licensing requirements of certain sources of radiation.
- S.B. 1205** by Santiesteban Intergovernmental Relations
Relating to the use by a county of occupancy tax funds.
- S.B. 1206** by Santiesteban Intergovernmental Relations
Relating to a foreign trade zone adjacent to the U.S. Customs Port of Entry at El Paso.

- S.B. 1207** by Johnson Health and Human Services
Relating to the authority of a home-rule city to provide human services to the indigent.
- S.B. 1208** by McFarland Natural Resources
Authorizing certain freshwater supply districts to divide into two or more districts or to convert into districts with the powers of road districts and freshwater supply districts.
- S.B. 1209** by Brown State Affairs
Relating to the liability of a municipal corporation for unemployment benefits paid to an individual who voluntarily left employment with the municipal corporation without good cause or who was discharged by the municipal corporation for misconduct.
- S.B. 1210** by Lyon State Affairs
Relating to uniform election dates and runoff elections.
- S.B. 1211** by Lyon Natural Resources
Relating to the control of sources of air pollution.
- S.B. 1212** by Lyon Criminal Justice
Relating to conviction of a sexual offense on the testimony of a child; amending Article 38.07, Code of Criminal Procedure, 1965.
- S.B. 1213** by Lyon Economic Development
Relating to insurance required as a condition for obtaining a permit, license, or other authorization from the Railroad Commission of Texas to become a motor bus carrier.
- S.B. 1214** by Lyon Economic Development
Relating to insurance required as a condition for obtaining a permit, license, or other authorization from the Railroad Commission of Texas to become a motor carrier.
- S.B. 1215** by Barrientos State Affairs
Relating to preservation of the view of the State Capitol and to a private right of action for injunctive relief for a violation.
- S.B. 1216** by Brown Economic Development
Relating to the availability and amount of insurance required of an herbicide or pesticide applier.
- S.B. 1217** by Barrientos Education
Relating to the administration of student financial aid at institutions of higher education.
- S.B. 1218** by Barrientos State Affairs
Relating to punishment of the offenses of late registration and late inspection of a motor vehicle.
- S.B. 1219** by Tejeda Education
Relating to the minimum salary for certain school district personnel.
- S.B. 1220** by Parmer Natural Resources
Relating to regulation of the sale of fresh fruits, vegetables, and meat; providing criminal penalties.
- S.B. 1221** by Harris State Affairs
Relating to the regulation of certain utilities by the public utility commission.

S.B. 1222 by Henderson Economic Development
Relating to the purchase and disposition of crafted precious metals.

S.B. 1223 by Henderson Economic Development
Relating to requiring certain businesses to obtain identification of persons who sell or pledge personal property to those businesses.

S.B. 1224 by Henderson Finance
Relating to exempting oil or gas produced from certain new wells from the production tax.

S.B. 1225 by Henderson, Anderson Economic Development
Relating to the creation of reinvestment zones and to the abatement of ad valorem taxes in reinvestment zones.

S.B. 1226 by Santiesteban Natural Resources
Relating to the expansion of the Hudspeth County Underground Water Conservation District No. One.

MEMORIAL RESOLUTIONS

H.C.R. 55 - (Brooks): Memorial resolution for Hubert Taylor.

H.C.R. 65 - (Brooks): Memorial resolution for Rex A. Hill.

H.C.R. 67 - (Anderson): Memorial resolution for Dr. Rufus B. Spraberry, Jr.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 5 - (Lyon): Commending the citizens of Tyler on their successful efforts to designate the rose as the national flower.

H.C.R. 6 - (Lyon): Honoring the Tyler Municipal Rose Garden.

H.C.R. 7 - (Lyon): Extending congratulations to the Cooperative Rose Growers of Tyler.

H.C.R. 38 - (Anderson): Extending congratulations to KMHT Radio of Marshall on its 40th anniversary.

H.C.R. 59 - (Tejeda): Honoring Ronald Geyer.

H.C.R. 60 - (Whitmire): Honoring the community of Independence Heights.

H.C.R. 68 - (Brooks): Designating the week of May 4-11, 1987, as "Paraprofessional and School-Related Personnel Appreciation Week in Texas."

H.C.R. 70 - (Parmer): Recognizing March, 1987, as "Women's History Month in Texas."

S.C.R. 61 - By Parmer: Honoring the women who are members of the Texas Senate and the Texas House of Representatives on the occasion of Women's History Month in Texas.

S.R. 208 - By Henderson: Commending the Texas Federation of Republican Women.

S.R. 211 - By Harris: Extending welcome to the eight "Capitol Scholar" winners from Richardson I.S.D.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:04 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(March 16, 1987)

S.C.R. 10

S.C.R. 25

S.C.R. 35

S.B. 172

S.B. 189

S.B. 259

S.B. 297

S.B. 318

**In Memory
of
Richard L. Merkel**

Senator Barrientos offered the following resolution:

(Senate Resolution 206)

WHEREAS, The Senate of the State of Texas joins with the family and friends of Richard L. Merkel in mourning the untimely loss of this outstanding public servant, who died February 22, 1987; and

WHEREAS, Executive director of the Texas Cancer Council, his dedicated efforts to help those who fought personal battles against cancer gave hope and encouragement to thousands of Texans; and

WHEREAS, His unceasing work on behalf of the Texas Cancer Council will continue to bear fruit in the years to come; and

WHEREAS, Born March 31, 1930, in Rochester, New York, Mr. Merkel graduated from Syracuse University with a degree in journalism; and

WHEREAS, After nobly serving his country in the United States Navy from 1951 until 1954, he embarked upon his illustrious journalism career; and

WHEREAS, Formerly a reporter for the Alexandria Daily Towntalk in Alexandria, Virginia, he distinguished himself as director of public relations for Trans-Texas Airways and as managing editor of the Tyler Morning Telegraph; and

WHEREAS, A familiar presence in the Capitol corridors, Mr. Merkel was respected by his fellow reporters and legislators alike while serving as bureau chief for the San Antonio Express-News; and

WHEREAS, His honesty and integrity were legendary and were valued characteristics in his position as press secretary to the Speaker of the House of Representatives; and

WHEREAS, His excellent, incisive reporting was commended by Texas U.P.I. Editors Association, the Associated Press Managing Editors Association, and the Texas State Teachers Association; and

WHEREAS, He leaves behind a cherished legacy of courage, grace under pressure, and the pursuit of excellence that will be forever remembered with gratitude by his many friends; and

WHEREAS, A loyal friend and treasured companion, his memory will remain forever embedded in the hearts and minds of all who knew him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby honor the memory of this outstanding adopted son of Texas and extend sincere condolences to the members of his family: his wife, Anna L' Ray Merkel; his son, Mark Merkel; his stepsons, Shawn Grundon, Edward Millican, and Michael Millican; and, be it further

RESOLVED, That copies of this resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Richard L. Merkel.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Barrientos and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.